

# Exhibit 7

REDACTED VERSION OF DOCUMENT SOUGHT TO BE FILED UNDER SEAL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC. CONSUMER ) MDL No. 2843  
PRIVACY USER PROFILE LITIGATION) Case No.  
\_\_\_\_\_ ) 18-md-02843-VC

This document relates to: )  
ALL ACTIONS )  
\_\_\_\_\_ )

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REMOTE VIDEOTAPED DEPOSITION BY VIRTUAL ZOOM OF  
FACEBOOK INC. REPRESENTATIVE,  
KONSTANTINOS PAPAMILTIDIS  
TUESDAY, FEBRUARY 23, 2021

Reported by:  
Ashala Tylor, CSR #2436, CLR, CRR, RPR  
JOB NO. 4473154  
PAGES 1 - 280

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Videotaped deposition of FACEBOOK, INC.  
REPRESENTATIVE, KONSTANTINOS PAPAMILTIDIS taken via  
virtual Zoom, commencing at 9:10 a.m. and ending at  
3:58 p.m., on Tuesday, February 23, 2021, before Ashala  
Tylor, CSR No. 2436, RPR, CRR, CLR.

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21 Kimberly Decker, Videographer

I N D E X

WITNESS	EXAMINATION BY	PAGE
KONSTANTINOS PAPAMILTIDIS		
	Ms. Weaver	9, 171

E X H I B I T S

NO.	DESCRIPTION	PAGE
Exhibit 1	Plaintiffs' Amended Notice of Deposition of Defendant Facebook, Inc. Pursuant to Federal Rule of Civil Procedure 30(b)(6)	10
Exhibit 2	Discovery Order No. 9 (Dkt. Nos. 515, 526, 537, 548)	10
Exhibit 3	Email from Simone LiTrenta to Matt Scutari and others, 5-8-14, FB CA MDL 00213423 - 443	49
Exhibit 4	Email exchange, top one from Simon Cross to Steven Elia, 1-29-15, FB-CA-MDL-00227697 - 699	240
Exhibit 5	Excel spreadsheet, FB-CA-MDL-01434884.csv	265
Exhibit 6	Excel spreadsheet, FB-CA-MDL-01434885.csv	266
	Instruction Not to Answer	
	Page 91, Line 9	

Tuesday, February 23, 2021

9:10 a.m.

--o0o--

THE VIDEOGRAPHER: Good morning. We are 09:10  
going on the record at 9:10 a.m. on February 23rd of 09:10  
2021. All participants are attending remotely. 09:10

Audio and video recording will continue to 09:10  
take place unless all parties agree to go off the 09:10  
record. 09:10

This is Media Unit 1 of the recorded 09:10  
deposition of Facebook, Inc. representative, 09:10  
Konstantinos Papamiltiadis, taken by counsel for the 09:10  
plaintiffs in the matter of Facebook, Inc. Consumer 09:10  
Privacy User Profile Litigation filed in the 09:10  
United States District Court, Northern District of 09:10  
California, Case Number 18-md-02843-VC. 09:10

My name is Kimberly Decker from Veritext 09:10  
Legal Solutions and I'm the videographer. The court 09:10  
reporter is Ashala Tylor. I'm not related to any 09:10  
party in this action, nor am I financially 09:11  
interested in the outcome. 09:11

Counsel and all present will now state 09:11  
their appearances and affiliations for the record. 09:11  
If there are any objections to proceeding, please 09:11

Page 7



1 state them at the time of your appearance, beginning 09:11  
2 with the noticing attorney. 09:11  
3 MS. WEAVER: Good morning, everybody. I'm 09:11  
4 Lesley Weaver, co-lead counsel for plaintiffs and 09:11  
5 from Bleichmar Fonti & Auld. 09:11  
6 MS. DAVIS: Good morning. Anne Davis also 09:11  
7 for plaintiffs, Bleichmar Fonti & Auld. 09:11  
8 MR. MONTGOMERY: Matthew Montgomery for 09:11  
9 plaintiffs, Bleichmar Fonti & Auld. 09:11  
10 MR. MELAMED: Matt Melamed for plaintiffs, 09:11  
11 Bleichmar Fonti & Auld. 09:11  
12 MS. LAUFENBERG: Cari Laufenberg for 09:11  
13 plaintiffs from Keller -- 09:11  
14 THE REPORTER: I'm sorry, one more time, 09:11  
15 please. 09:11  
16 MS. LAUFENBERG: Cari Laufenberg for 09:11  
17 plaintiffs from Keller Rohrbach. 09:11  
18 MR. KO: David Ko of Keller Rohrbach also 09:11  
19 on behalf of the plaintiffs. Good morning. 09:12  
20 MR. LOESER: Good morning. Derek Loeser 09:12  
21 from Keller Rohrbach for plaintiffs. 09:12  
22 MS. STEIN: Are you ready for defendant? 09:12  
23 Deborah Stein from Gibson, Dunn on behalf 09:12  
24 of defendant Facebook. 09:12  
25 MS. CLARK: Martie Kutscher Clark from 09:12

1 Gibson, Dunn also on behalf of Facebook. 09:12

2 MS. MUMM: Laura Mumm from Gibson, Dunn on 09:12

3 behalf of Facebook. 09:12

4 MR. CHEN: And this is Ian Chen. I am 09:12

5 in-house counsel for Facebook. 09:12

6 THE VIDEOGRAPHER: Would the court 09:12

7 reporter please swear in the witness. 09:12

8 09:13

9 KONSTANTINOS PAPAMILTIDIS, 09:13

10 being first duly sworn or affirmed to testify 09:13

11 to the truth, the whole truth, and nothing but 09:13

12 the truth, was examined and testified as follows: 09:13

13 THE REPORTER: Proceed, Counsel. 09:13

14 EXAMINATION 09:13

15 BY MS. WEAVER: 09:13

16 Q. Good morning. And thank you very much for 09:13

17 being here this morning and as we adjust to this new 09:13

18 process. 09:13

19 May I address you as K.P. throughout the 09:13

20 deposition or would you prefer Mr. Papamiltiadis? 09:13

21 A. I don't need to ask counsel's permission 09:13

22 to answer that question. I guess you can. 09:13

23 Q. All right. You come prepared. 09:13

24 I'm going to start by marking a couple of 09:13

25 exhibits, and I think that you've practiced with 09:13

1	BY MS. WEAVER:	09:57
2	Q. Do you have an Exhibit 3?	09:57
3	A. So we're going to 3?	09:57
4	Q. We are going to 3.	09:58
5	A. Okay. I don't see it yet.	09:58
6	Q. I think you might need to refresh.	09:58
7	Do you have Exhibit 3 yet?	09:58
8	A. Yes.	09:58
9	Q. Okay.	09:58
10	MS. WEAVER: For the record, Exhibit 3 is	09:58
11	an email dated May 8, 2014, with some attachments.	09:58
12	Q. Have you seen Exhibit 3 before?	09:58
13	A. No, I haven't.	09:58
14	Q. Okay. Did --	09:58
15	MS. STEIN: Why don't you give the witness	09:58
16	an opportunity to review the document.	09:58
17	MS. WEAVER: Okay. Thanks, Deb. You were	09:58
18	about to get in trouble.	09:58
19	Q. So there's the cover email, K.P., but if	09:58
20	you look at the attachment, and I direct your	09:58
21	attention to the Bates number that ends with 424.	09:58
22	Remember the -- if you look at the bottom there.	09:58
23	THE WITNESS: Yes, I've seen those pages,	09:58
24	yes.	09:59
25		

1 BY MS. WEAVER: 09:59

2 Q. Okay. And when did you last see them? 09:59

3 A. Either yesterday or Friday. 09:59

4 Q. When did you first see them? 09:59

5 A. Maybe Friday. 09:59

6 Q. Okay. You hadn't seen them before Friday? 09:59

7 A. No. 09:59

8 Q. Is that right? Okay. 09:59

9 Do you have an understanding as to what 09:59

10 Exhibit 3 is? 09:59

11 A. I don't know the contents of the email, 09:59

12 but I think I can understand the page that you asked 09:59

13 me to look at, what it meant to be. 09:59

14 Q. Okay. And what is your understanding? 09:59

15 A. It's definition of different data that 09:59

16 Facebook may have accessed. 09:59

17 Q. Okay. And let me back up again. This is 09:59

18 foundational. Do people communicate by email at 09:59

19 Facebook? 09:59

20 A. It's one of the ways to communicate, yes. 09:59

21 Q. How else do people communicate in the 09:59

22 course of doing business at Facebook? 09:59

23 A. We use a version of the product that is 09:59

24 designed for the business world called Workplace. 09:59

25 We use a version of our Messenger product, which is 10:00

1 also an example, a device called Workset. We use 10:00  
2 emails. We use [REDACTED]. We use other 10:00  
3 videoconferencing facilities. We use our telephones 10:00  
4 to call each other. Different ways. 10:00  
5 Q. And people text as well; is that right? 10:00  
6 A. We don't like text messaging. We have our 10:00  
7 own messaging apps. 10:00  
8 Q. Just out of curiosity, is the Facebook 10:00  
9 Messenger that people that work at Facebook use, is 10:00  
10 that different than the Facebook Messenger that 10:00  
11 users on the platform use, or is it the same? 10:00  
12 A. I mean I use Messenger the same way you 10:00  
13 would use it. But internally I don't use that 10:00  
14 version of the product. I use an Enterprise 10:00  
15 personal product -- 10:00  
16 Q. Okay. 10:00  
17 A. -- which is called Workset. 10:00  
18 Q. And what's the difference functionally 10:00  
19 between those two? 10:00  
20 MS. STEIN: Objection. This is like way 10:00  
21 beyond the scope about what employees at Facebook 10:00  
22 use. 10:01  
23 MS. WEAVER: Okay. Fine. It's fine. I 10:01  
24 was trying to establish a foundation, but I guess we 10:01  
25 can come back to that in another deposition. 10:01

1 Q. So, K.P., back to Exhibit 3. Do you who 10:01  
2 Simone LiTrenta is? 10:01  
3 A. No. 10:01  
4 Q. Okay. Looking at just the cover email, do 10:01  
5 you recognize the names of anybody on this email as 10:01  
6 individuals who work at Facebook? 10:01  
7 A. I recognize Matt Scutari, Rob Sherman, and 10:01  
8 Erin Egan. 10:01  
9 Q. And you understand that those are 10:01  
10 employees of Facebook during the time this email was 10:01  
11 written; is that right? 10:01  
12 A. That is 2014? Yes, I believe so. 10:01  
13 Q. Okay. And do you believe Exhibit 3 to be 10:01  
14 an email sent by employees at Facebook in the 10:01  
15 regular course of business? 10:01  
16 A. Yes, that looks like. 10:01  
17 Q. Okay. Do you have an understanding as to 10:01  
18 what the materials that are attached to this email 10:02  
19 are? 10:02  
20 A. I think it's a set of definitions that -- 10:02  
21 or slides that were meant to be presented at an 10:02  
22 off-site. 10:02  
23 Q. Okay. And what is -- do you know what the 10:02  
24 global policy team is? 10:02  
25 A. Yes. 10:02

1 Q. What is it? 10:02

2 A. It's a team that is responsible for our 10:02

3 relationships with governments and regulators. 10:02

4 Q. Okay. And just again by way of 10:02

5 understanding how Facebook functions, you see 10:02

6 there's a [REDACTED] hyperlink here in the email? 10:02

7 A. Yes. 10:02

8 Q. Does Facebook also use [REDACTED]? 10:02

9 MS. STEIN: Objection to form. This 10:02

10 isn't -- not an ESI depo and he is not testifying 10:02

11 about what Facebook uses internally. Let's focus on 10:02

12 the subjects that he's here for. 10:02

13 MS. WEAVER: I'm trying to understand if 10:02

14 this document is complete, and that's a little bit 10:02

15 difficult to do. So are you going to instruct him 10:03

16 not to answer? 10:03

17 MS. STEIN: Is there a reason why you 10:03

18 think the document is not complete? 10:03

19 MS. WEAVER: Okay. Let me question. 10:03

20 Q. So is it true that Facebook -- people use 10:03

21 [REDACTED] at Facebook to share document files? 10:03

22 A. Can I answer? 10:03

23 Q. Yes. 10:03

24 A. Sorry, I was looking at the document. 10:03

25 Q. No problem. 10:03

1           A.    It's -- it's true that for files that are           10:03  
2   concise that are too big to send by email we would           10:03  
3   use [REDACTED].           10:03

4           Q.    Okay.  Is there any way to know whether or           10:03  
5   not a hard copy version of a document like this was           10:03  
6   everything that was contained in the hyperlink or           10:03  
7   would you have to see it in native form?           10:03

8           MS. STEIN:  Objection to form.           10:03

9           Lesley, next.           10:03

10          BY MS. WEAVER:           10:03

11          Q.    Please answer the question.           10:03

12          A.    I'm not sure I understand exactly what you           10:03  
13   saying.  I don't even know what you have printed           10:03  
14   out, so I cannot really establish whether it's a           10:03  
15   complete document or not.           10:03

16          Q.    Okay.  Is there -- normally -- let me ask           10:03  
17   this.  Does Facebook maintain document like --           10:04  
18   documents like this in PDF form or are they native?           10:04

19          MS. STEIN:  Objection to form.           10:04

20          Lesley, move on.           10:04

21          BY MS. WEAVER:           10:04

22          Q.    Please answer the question.           10:04

23          MS. STEIN:  It's not an ESI deposition.           10:04

24          Move on.           10:04

25          MS. WEAVER:  I'm trying to understand this           10:04



1 document, which we gave to you ahead of time, and 10:04  
2 whether or not it's complete. So please allow him 10:04  
3 to answer. 10:04  
4 MS. STEIN: Ask him if he knows whether 10:04  
5 it's complete. Don't ask him about things that have 10:04  
6 nothing to do with what he's here to testify about 10:04  
7 here today. He's not authorized on behalf of 10:04  
8 Facebook to talk about [REDACTED], email, messaging 10:04  
9 that gets used internally. 10:04  
10 BY MS. WEAVER: 10:04  
11 Q. So, K.P., can I ask you, is there any kind 10:04  
12 of -- for [REDACTED] is there any -- well, just -- I'll 10:04  
13 move on. I'll come back to it. 10:04  
14 So looking back at Exhibit 3, and turning 10:04  
15 to the first page ending at Bates number 424 -- 10:04  
16 A. 424, yes. 10:05  
17 Q. [REDACTED] 10:05  
18 Do you see that? 10:05  
19 A. Yes. 10:05  
20 Q. And you said earlier that you know who Rob 10:05  
21 Sherman is; is that right? 10:05  
22 A. Yes, I do. 10:05  
23 Q. And who is he? 10:05  
24 A. He's the VP of privacy. 10:05  
25 Q. And he's still at Facebook; is that right? 10:05

Page 57

1 Q. Okay. And specifically to prepare for 10:06  
2 this deposition in response to this notice, how much 10:06  
3 time did you spend preparing? 10:06

4 A. I don't know. Between, you know, calls 10:06  
5 with my counsels and homework that I have done for 10:06  
6 myself, I would say 15-20 hours. 10:06

7 Q. Okay. Thank you. 10:06

8 And looking back now at the page that we 10:06  
9 were looking at ending in Bates number 424, do you 10:06  
10 see that it describes three categories of data on 10:06  
11 the left? 10:06

12 A. Yes. 10:06

13 Q. [REDACTED] 10:07

14 [REDACTED] Do you see that? 10:07

15 A. Yes. 10:07

16 Q. Do you have an understanding as to what 10:07

17 [REDACTED] is? 10:07

18 A. [REDACTED] 10:07

19 [REDACTED] 10:07

20 [REDACTED]. 10:07

21 Q. [REDACTED] [REDACTED] 10:07

22 [REDACTED] 10:07

23 A. [REDACTED] 10:07

24 Q. Okay. And then what is [REDACTED] 10:07

25 MS. STEIN: Object to form. 10:07

1 THE WITNESS: Data that is -- what? 10:07

2 MS. STEIN: Objection to form. 10:07

3 BY MS. WEAVER: 10:07

4 Q. I'll repeat the question. What is 10:07

5 [REDACTED] 10:07

6 MS. STEIN: Same objection. 10:07

7 THE WITNESS: It's -- sorry. I have to 10:07

8 look at the document while you're talking. I don't 10:07

9 mean to talk over you. 10:07

10 It's okay I answer the question now? 10:07

11 BY MS. WEAVER: 10:07

12 Q. Yes. 10:07

13 A. [REDACTED] 10:07

14 [REDACTED] 10:07

15 Q. [REDACTED] 10:07

16 [REDACTED] 10:07

17 A. [REDACTED] 10:08

18 Q. [REDACTED] 10:08

19 [REDACTED] 10:08

20 A. [REDACTED] 10:08

21 Q. Okay. And what is [REDACTED]? 10:08

22 MS. STEIN: Objection to form. 10:08

23 THE WITNESS: Sorry, I need to switch back 10:08

24 to see -- you don't want to talk. Okay. 10:08

25 [REDACTED] 10:08

1 [REDACTED] 10:08

2 BY MS. WEAVER: 10:08

3 Q. Okay. And as you sit here today, are 10:08

4 there any other kinds of information Facebook 10:08

5 receives about people other than these three 10:08

6 categories? 10:08

7 A. I don't think so. 10:08

8 Q. Okay. Let's return to our discussion of 10:08

9 [REDACTED]. Do you have an understanding as to why 10:08

10 the word [REDACTED] is being used? What does that 10:08

11 mean? Is it the same as raw data? 10:09

12 MS. STEIN: Objection to form. 10:09

13 THE WITNESS: Every piece of data has a 10:09

14 degree of rawness associated with it. Depends how 10:09

15 you define raw. 10:09

16 BY MS. WEAVER: 10:09

17 Q. Okay. I just didn't quite hear. Every 10:09

18 piece of data has a particular -- 10:09

19 A. (Indecipherable). I'm joking. 10:09

20 They -- if you are talking about raw data, 10:09

21 what do you mean? 10:09

22 Q. Okay. Well, I'm trying to learn from you, 10:09

23 so let me ask you. 10:09

24 A. The IP address -- the IP address is raw 10:09

25 data. 10:09

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1 Q. Uh-huh, okay. Good. 10:09

2 A. But it comes through activity that happens 10:09

3 on a native Facebook app. The [REDACTED] means, in my 10:09

4 mind, the way I see the definition there, as 10:09

5 [REDACTED] 10:09

6 Q. [REDACTED] [REDACTED] 10:09

7 [REDACTED] 10:09

8 [REDACTED] 10:09

9 A. [REDACTED] 10:09

10 Q. Okay. And so when we -- when this 10:09

11 document says [REDACTED] 10:09

12 [REDACTED] 10:10

13 [REDACTED] 10:10

14 A. [REDACTED] 10:10

15 Q. [REDACTED] 10:10

16 A. [REDACTED] 10:10

17 [REDACTED] 10:10

18 [REDACTED] [REDACTED] 10:10

19 [REDACTED] 10:10

20 [REDACTED] 10:10

21 [REDACTED] 10:10

22 Q. [REDACTED] [REDACTED] 10:10

23 [REDACTED] 10:10

24 [REDACTED] 10:10

25 A. [REDACTED] [REDACTED] 10:10

Page 61

1 [REDACTED] 10:10

2 Q. Great. Thank you. 10:10

3 And then on the right it seems -- this 10:10

4 chart seems to further break down categories of 10:10

5 [REDACTED] Do you see that? 10:10

6 A. Yes. 10:10

7 Q. Okay. And there's a column or really a 10:10

8 box that says [REDACTED] Do you see 10:10

9 that? 10:11

10 A. Yes. 10:11

11 Q. [REDACTED] 10:11

12 [REDACTED] [REDACTED] 10:11

13 [REDACTED] [REDACTED] 10:11

14 [REDACTED] [REDACTED] 10:11

15 [REDACTED] Do you see all of 10:11

16 those boxes? 10:11

17 A. Yes. 10:11

18 Q. Okay. Do you have an understanding as to 10:11

19 what [REDACTED] means? 10:11

20 A. [REDACTED] 10:11

21 [REDACTED] [REDACTED] 10:11

22 [REDACTED] 10:11

23 Q. Okay. And so that means that a user has 10:11

24 taken an action to share the data; is that fair? 10:11

25 A. Correct. 10:11

1 Q. Okay. And so what does [REDACTED] 10:11

2 [REDACTED] mean? 10:11

3 MS. STEIN: Object to form. 10:11

4 THE WITNESS: [REDACTED] 10:11

5 [REDACTED] 10:11

6 BY MS. WEAVER: 10:11

7 Q. I'm sorry, did you -- 10:11

8 A. [REDACTED] 10:12

9 [REDACTED] 10:12

10 [REDACTED] [REDACTED] 10:12

11 [REDACTED] 10:12

12 [REDACTED] 10:12

13 [REDACTED] [REDACTED] 10:12

14 [REDACTED] 10:12

15 [REDACTED] 10:12

16 Q. [REDACTED] 10:12

17 [REDACTED] 10:12

18 [REDACTED] 10:12

19 A. [REDACTED] [REDACTED] [REDACTED] 10:12

20 [REDACTED] 10:12

21 Q. [REDACTED] [REDACTED] 10:12

22 [REDACTED] 10:12

23 [REDACTED] [REDACTED] 10:12

24 [REDACTED] 10:12

25 [REDACTED] 10:12



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1	[REDACTED]	10:12
2	[REDACTED]	10:12
3	MS. STEIN: Objection to form.	10:12
4	THE WITNESS: [REDACTED]	10:13
5	[REDACTED]	10:13
6	[REDACTED]	10:13
7	[REDACTED]	10:13
8	BY MS. WEAVER:	10:13
9	Q. Okay.	10:13
10	A. [REDACTED]	10:13
11	[REDACTED]	10:13
12	Q. [REDACTED] [REDACTED]	10:13
13	[REDACTED]	10:13
14	A. [REDACTED]	10:13
15	Q. [REDACTED] [REDACTED]	10:13
16	[REDACTED]	10:13
17	A. [REDACTED]	10:13
18	Q. [REDACTED] [REDACTED]	10:13
19	A. [REDACTED]	10:13
20	[REDACTED]	10:13
21	Q. [REDACTED]	10:13
22	A. [REDACTED]	10:13
23	Q. [REDACTED]	10:13
24	A. [REDACTED]	10:13
25	Q. [REDACTED]	10:13

Page 64

1 A. [REDACTED] 10:13

2 [REDACTED] 10:13

3 Q. [REDACTED] 10:13

4 [REDACTED] 10:13

5 A. [REDACTED] 10:14

6 Q. Okay. [REDACTED] 10:14

7 [REDACTED] 10:14

8 [REDACTED] 10:14

9 A. [REDACTED] 10:14

10 MS. STEIN: Object. Objection to form. 10:14

11 BY MS. WEAVER: 10:14

12 Q. Okay. And then there's this box that says 10:14

13 [REDACTED] Do you see 10:14

14 that? 10:14

15 A. Yes, I do. 10:14

16 Q. What does that refer to? 10:14

17 A. [REDACTED] 10:14

18 [REDACTED] 10:14

19 Q. [REDACTED] 10:14

20 A. [REDACTED] 10:14

21 [REDACTED] 10:14

22 Q. [REDACTED] 10:14

23 [REDACTED] [REDACTED] 10:14

24 [REDACTED] 10:14

25 A. [REDACTED] 10:14

1	[REDACTED]	10:15
2	[REDACTED]	10:15
3	[REDACTED]	10:15
4	[REDACTED]	10:15
5	[REDACTED] [REDACTED]	10:15
6	Q. How did you know?	10:15
7	So how does Facebook retain that	10:15
8	information once it draws that inference?	10:15
9	A. You know, there would be --	10:15
10	MS. STEIN: Objection.	10:15
11	THE WITNESS: [REDACTED]	10:15
12	[REDACTED]	10:15
13	[REDACTED]	10:15
14	[REDACTED]	10:15
15	BY MS. WEAVER:	10:15
16	Q. And how does Facebook record those	10:15
17	interests, if you will?	10:15
18	MS. STEIN: Objection to form.	10:15
19	THE WITNESS: [REDACTED]	10:15
20	[REDACTED] [REDACTED]	10:15
21	[REDACTED] [REDACTED]	10:16
22	[REDACTED]	10:16
23	[REDACTED]	10:16
24	BY MS. WEAVER:	10:16
25	Q. Okay. And so how does that signal come	10:16

1 through in terms of data to Facebook and where does 10:16  
2 it keep it? 10:16  
3 A. [REDACTED] 10:16  
4 [REDACTED] [REDACTED] 10:16  
5 [REDACTED] 10:16  
6 Q. Right. 10:16  
7 A. I'm talking about you liking Beyonce's 10:16  
8 page on Facebook. 10:16  
9 Q. Okay. I'm just trying to understand -- 10:16  
10 well, let me go back. For the [REDACTED] 10:16  
11 [REDACTED] right, where does Facebook maintain that data? 10:16  
12 MS. STEIN: Objection. Form. 10:16  
13 THE WITNESS: What do you mean? 10:16  
14 BY MS. WEAVER: 10:16  
15 Q. Well, I'm trying to understand. Facebook 10:16  
16 receives [REDACTED] is that right? 10:16  
17 A. Yes. 10:16  
18 Q. And where does it receive it and where 10:16  
19 does it go? Where does the data go? 10:16  
20 A. It's a -- it's a very complicated 10:16  
21 question, so let me try to answer it may be with, 10:16  
22 you know, like a high-level perspective. 10:17  
23 So when you come to Facebook for the first 10:17  
24 time in your life you will create an account, right? 10:17  
25 To create an account you need to provide the 10:17

1 username and a password. And then it will ask you a 10:17  
2 couple of questions. What is your first name? What 10:17  
3 is your last name? What is your date of birth, and 10:17  
4 so on and so on. 10:17

5 All that information lives in some, you 10:17  
6 know, database somewhere, right? The next time you 10:17  
7 come to Facebook you decide to post a photo of 10:17  
8 yourself, you know, celebrating your birthday. That 10:17  
9 information lives somewhere in a distributed 10:17  
10 database, right? 10:17

11 Then some people will start liking your 10:17  
12 page, saying -- will most likely be your friends. 10:17  
13 That information is captured somewhere about who has 10:17  
14 liked your photo. 10:17

15 Then the next day you come in and you -- 10:17  
16 you like Beyonce's page because you just saw her two 10:17  
17 months and you want to keep up with her work. That 10:18  
18 information is captured somewhere. 10:18

19 But all that information is available 10:18  
20 to -- to you, right? You can go into your Facebook 10:18  
21 settings and you can find all that information. 10:18

22 Q. Okay. When you say it is captured 10:18  
23 somewhere, where is the somewhere? 10:18

24 A. [REDACTED] 10:18

25 [REDACTED] [REDACTED] 10:18

1 Q. Use your example. I go on Facebook's 10:18  
2 website and I take an action. Where is that 10:18  
3 captured? You said it's captured somewhere. Where 10:18  
4 is the somewhere? 10:18  
5 A. [REDACTED] 10:18  
6 [REDACTED] 10:18  
7 Q. Okay. 10:18  
8 A. That's a database. 10:18  
9 Q. And what if it's a like? 10:18  
10 A. Again, it's an activity. 10:18  
11 Q. Okay. What if it's something that 10:18  
12 Facebook infers? Where is it captured? 10:18  
13 A. The inference? 10:18  
14 Q. Yes. 10:19  
15 A. [REDACTED] 10:19  
16 Q. [REDACTED] [REDACTED] 10:19  
17 [REDACTED] [REDACTED] [REDACTED] 10:19  
18 [REDACTED] 10:19  
19 A. [REDACTED] 10:19  
20 Q. [REDACTED] 10:19  
21 A. [REDACTED] 10:19  
22 Q. [REDACTED] [REDACTED] 10:19  
23 [REDACTED] 10:19  
24 A. Again, I guess I'm going to level a little 10:19  
25 bit the conversation. 10:19

1           If you ever liked Beyonce's page, that           10:19  
2       would recapture it on your, you know, like personal       10:19  
3       profile. And if any advertiser, let's say,           10:19  
4       Beyonce's label wants to advertise against an       10:19  
5       audience of people that like Beyonce, they would       10:19  
6       basically identify that in their ad campaign       10:19  
7       settings and then we would find whoever may like       10:19  
8       Beyonce's page and we will deliver on that about       10:19  
9       Beyonce to them. Very, very high level.           10:19

10           Q. I understand the functioning that you're       10:19  
11       describing. I don't understand where the data goes       10:19  
12       and how Facebook draws the inference.           10:19

13           A. I'm really sorry, but I'm having a hard       10:20  
14       time hearing. Is it me or is it your mic?           10:20

15           MS. WEAVER: I'm not having a hard time       10:20  
16       hearing.           10:20

17           MS. STEIN: It's the mic.           10:20

18           MS. WEAVER: Oh, okay. Can you hear me       10:20  
19       now or is it --           10:20

20           Q. Okay. So I'll repeat the question.       10:20  
21       Where -- well -- how does Facebook infer data from       10:20  
22       engagement on the site?           10:20

23           A. [REDACTED]           10:20  
24       [REDACTED]           10:20

25           Q. And --           10:20

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1 A. [REDACTED] 10:20

2 THE REPORTER: I'm sorry, "I mean in most 10:20

3 cases"... 10:20

4 BY MS. WEAVER: 10:20

5 Q. And -- 10:20

6 THE REPORTER: I'm sorry, "I mean in most 10:20

7 cases"... 10:20

8 THE WITNESS: [REDACTED] 10:20

9 THE REPORTER: Thank you. 10:20

10 BY MS. WEAVER: 10:20

11 Q. Let me move on. I'm going to return to 10:20

12 that because I think we need to drill down a little 10:20

13 bit. But I'll just go to [REDACTED] Do you 10:21

14 see that category? 10:21

15 A. Yes. 10:21

16 Q. And so [REDACTED] is [REDACTED] 10:21

17 [REDACTED] 10:21

18 A. Yes. 10:21

19 Q. Okay. [REDACTED] 10:21

20 [REDACTED] 10:21

21 A. [REDACTED] 10:21

22 Q. [REDACTED] 10:21

23 A. It's -- sorry. 10:21

24 MS. STEIN: Are you asking him to read 10:21

25 from the document or are you asking him his 10:21

Page 71



1 understanding? 10:21

2 [REDACTED] [REDACTED] 10:21

3 [REDACTED] 10:21

4 [REDACTED] [REDACTED] 10:21

5 [REDACTED] 10:21

6 [REDACTED] 10:21

7 [REDACTED], 10:21

8 [REDACTED] 10:21

9 [REDACTED] 10:21

10 BY MS. WEAVER: 10:21

11 Q. Do you know what a data broker is? 10:21

12 A. My definition of data broker? 10:21

13 Q. Yes. 10:22

14 A. Anybody that has access to a broad set of 10:22

15 data. 10:22

16 Q. Okay. Is Facebook a data broker? 10:22

17 A. No. 10:22

18 Q. Okay. Did you talk to anybody -- well, 10:22

19 strike that. 10:22

20 Do you see where it says [REDACTED] 10:22

21 [REDACTED] on this document? 10:22

22 A. Yes. 10:22

23 Q. What does that refer to? 10:22

24 A. I guess a list of different categories I 10:22

25 listed myself. It's also documented here. 10:22

1 Q. And so do you see to the right there it 10:22  
2 [REDACTED] 10:22  
3 [REDACTED] 10:22  
4 [REDACTED] 10:22  
5 A. Yes. 10:22  
6 Q. And is it your understanding that those 10:22  
7 are examples of the kind -- kinds of data that 10:22  
8 Facebook collects from [REDACTED] 10:22  
9 A. Yes. I don't know if it's exhaustive or 10:23  
10 not, but I would imagine that it is exhaustive. 10:23  
11 Q. Thank you. And then underneath that do 10:23  
12 you see where it says "Advertisers"? 10:23  
13 A. Yes. 10:23  
14 Q. What is an advertiser? 10:23  
15 A. Someone that is running marketing 10:23  
16 companies on Facebook. 10:23  
17 Q. Okay. And then there's a parenthetical 10:23  
18 that refers to "Custom audiences, [REDACTED] 10:23  
19 [REDACTED] Do you see that? 10:23  
20 A. Yes. 10:23  
21 Q. What is custom audiences? 10:23  
22 A. A custom audience is a reference to a 10:23  
23 products whereby a business can upload and encrypt 10:23  
24 its -- a version of their database of customers for 10:23  
25 the purpose of running a campaign that targets those 10:23

1 customers. 10:23

2 Q. Okay. I want to break that down a little 10:23

3 bit. 10:23

4 MS. WEAVER: I'm not seeing that on my 10:23

5 live feed. 10:23

6 Could you read his response back, please. 10:24

7 (The record was read by the 10:24

8 court reporter, as requested) 10:24

9 BY MS. WEAVER: 10:24

10 Q. Okay. And when you say "encrypt," what do 10:24

11 you mean? 10:24

12 A. They wouldn't upload the raw data. They 10:24

13 would upload a version of that data. 10:24

14 THE REPORTER: I'm sorry, could you repeat 10:24

15 that last part, please? 10:24

16 THE WITNESS: They wouldn't upload raw 10:24

17 customer data. They would upload encrypted personal 10:24

18 or hashed personal data. 10:24

19 BY MS. WEAVER: 10:24

20 Q. Thank you. And when you say "raw customer 10:24

21 data," what do you mean? 10:24

22 A. Email addresses. 10:24

23 Q. Anything else? 10:24

24 A. No. 10:24

25 Q. [REDACTED] 10:24

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1	[REDACTED]	10:24
2	A. [REDACTED]	10:24
3	[REDACTED]	10:25
4	[REDACTED]	10:25
5	[REDACTED]	10:25
6	[REDACTED]	10:25
7	[REDACTED]	10:25
8	[REDACTED]	10:25
9	[REDACTED]	10:25
10	[REDACTED]	10:25
11	[REDACTED]	10:25
12	[REDACTED]	10:25
13	[REDACTED]	10:25
14	[REDACTED]	10:25
15	[REDACTED]	10:25
16	Q. [REDACTED]	10:25
17	[REDACTED] [REDACTED]	10:25
18	A. [REDACTED] [REDACTED]	10:25
19	[REDACTED]	10:25
20	[REDACTED]	10:26
21	[REDACTED] [REDACTED]	10:26
22	Q. [REDACTED]	10:26
23	[REDACTED]	10:26
24	A. [REDACTED]	10:26
25	Q. And that could also include engaging in --	10:26

Page 75

1 well, strike that. 10:26

2 [REDACTED] 10:26

3 [REDACTED] 10:26

4 A. [REDACTED] 10:26

5 [REDACTED] 10:26

6 Q. Got it. Does advertisers here also 10:26

7 include political campaigns? 10:26

8 A. I'm looking at the -- sorry. Sorry. I 10:26

9 need to answer that, I guess. What do you mean? In 10:26

10 what context? 10:26

11 Q. Do political campaigns advertise? 10:26

12 A. Yes, they do. 10:26

13 Q. Okay. And when they are seeking 10:26

14 conversion, are they seeking to encourage certain 10:26

15 actions by Facebook users? 10:26

16 MS. STEIN: Objection to form. 10:27

17 THE WITNESS: Yeah, but that wouldn't 10:27

18 include, you know, like what people voted. It would 10:27

19 probably include if they read, or if they donated, 10:27

20 or if they took an action on their website, 10:27

21 depending on what the campaign is actually optimized 10:27

22 for. 10:27

23 BY MS. WEAVER: 10:27

24 Q. Got it. 10:27

25 A. But, no, the conversion wouldn't be that I 10:27

1 voted for Biden or I voted for Trump. That's not -- 10:27

2 THE REPORTER: I'm sorry, could you please 10:27

3 slow down. The last part? 10:27

4 THE WITNESS: Oh, sorry. 10:27

5 THE REPORTER: "The conversion"... 10:27

6 THE WITNESS: The conversion that 10:27

7 political campaigns are tracking have to do with 10:27

8 fundraising, donations, registration, this kind of 10:27

9 things. 10:27

10 BY MS. WEAVER: 10:27

11 Q. [REDACTED] 10:27

12 [REDACTED] 10:27

13 [REDACTED] 10:27

14 [REDACTED] 10:27

15 [REDACTED] [REDACTED] 10:27

16 [REDACTED] [REDACTED] 10:27

17 BY MS. WEAVER: 10:27

18 Q. And then do you see on the right of 10:27

19 Advertisers it says "Existing customer 10:27

20 relationships"? Do you see that? It's to the right 10:27

21 of Advertisers. 10:28

22 A. Yes. 10:28

23 Q. What does "Existing customer 10:28

24 relationships," that subcategories of advertisers, 10:28

25 refer to? 10:28

9	And then Facebook will, you know, like --	10:28
0	can target those specific users to the extent that	10:28
1	they are also Facebook users, of course, with an ad	10:28
2	that offers them, let's say, a discount for that	10:28
3	specific TV.	10:28

15	A.		10:29
----	----	--	-------

17 [REDACTED] 10:29

18 [REDACTED] 10:29

19 [REDACTED] 10:29

20 [REDACTED] 10:29

23           A.     It's same thing in that sense.                                 10:29

24	Q. It is the same thing?	10:29
----	--------------------------	-------

25	A. Yeah.	10:29
----	----------	-------

1 Q. Is it true that hashing has two inputs -- 10:29  
2 well, let me go back. Is it fair to say that 10:29  
3 encryption has two inputs so that if you have a key, 10:29  
4 you can associate data point together; is that fair? 10:29  
5 MS. STEIN: Object to form. He's not here 10:29  
6 as a technical expert, so... 10:29  
7 You can give your high-level 10:29  
8 understanding, if you have one. 10:29  
9 THE WITNESS: Yes, I don't -- I don't 10:29  
10 want -- I don't want to talk about, you know, like 10:29  
11 encryption. [REDACTED] 10:29  
12 [REDACTED] 10:29  
13 [REDACTED] 10:30  
14 [REDACTED] 10:30  
15 [REDACTED] 10:30  
16 BY MS. WEAVER: 10:30  
17 Q. Okay. Well, just looking at this page, 10:30  
18 you see that there's the word "Hashed data matching" 10:30  
19 on it? It's below -- it's in the native data box 10:30  
20 there. 10:30  
21 A. Yes. 10:30  
22 Q. Do you see where it says "Hashed data 10:30  
23 matching"? 10:30  
24 A. Yes. 10:30  
25 Q. What is hashed data matching? 10:30



3	Q. So could you, please, explain what hashed	10:30
4	data matching is?	10:30

10 [REDACTED] 10:30

15 [REDACTED] 10:31

18 [REDACTED] 10:31

20 Q. [REDACTED] [REDACTED] 10:31

22 [REDACTED] 10:31

24 [REDACTED] 10:31

25 [REDACTED] 10:31

1 [REDACTED] 10:31

2 Q. And then going now back to the appended 10:31

3 data chart. Do you see where it says "Purchase 10:31

4 history," near "Advertisers"? 10:31

5 A. Yes. 10:31

6 Q. What does that refer to? 10:31

7 A. [REDACTED] 10:31

8 [REDACTED] 10:32

9 Q. [REDACTED] [REDACTED] 10:32

10 A. [REDACTED] 10:32

11 [REDACTED] [REDACTED] 10:32

12 [REDACTED] 10:32

13 [REDACTED] 10:32

14 [REDACTED] 10:32

15 [REDACTED] 10:32

16 [REDACTED] 10:32

17 [REDACTED] 10:32

18 [REDACTED] 10:32

19 [REDACTED] 10:32

20 Q. Okay. So Facebook is getting data about, 10:32

21 for example, that I had something in my cart that I 10:32

22 didn't purchase; is that right? 10:32

23 MS. STEIN: Object to form. 10:32

24 THE WITNESS: No, not that, no. 10:32

25

1 BY MS. WEAVER: 10:32

2 Q. Okay. Who has it? You just gave that as 10:32

3 an example. 10:32

4 A. Yeah, but that is a logic that takes place 10:32

5 on the advertiser's side. 10:32

6 Q. Okay. 10:32

7 A. The advertiser selects the marketing team 10:32

8 on the advertiser side to decide what kind of 10:32

9 campaign they want to run. And they create a 10:33

10 segment of their customers that they want to target 10:33

11 with their ad campaign, and then they will decide 10:33

12 what creative they want to use, like how the ad is 10:33

13 going to look like. 10:33

14 Q. Right. But this is a list of information 10:33

15 that Facebook receives, right? 10:33

16 MS. STEIN: Objection to form. 10:33

17 THE WITNESS: The information we receive 10:33

18 is not the activities. It's hashed email addresses 10:33

19 or hashed phone numbers from the advertisers. 10:33

20 BY MS. WEAVER: 10:33

21 Q. Okay. Looking at this chart here, it's 10:33


22 labeled, "What kinds of information does Facebook 10:33

23 receive?" correct? 10:33

24 MS. STEIN: Objection to form. 10:33

25 (Background audio interference.) 10:33

1 MS. WEAVER: Somebody needs to put their 10:33  
2 phones on mute or their computers on mute. 10:34  
3 Q. Returning to the document, sir, isn't this 10:34  
4 page a list of information that Facebook receives 10:34  
5 about people? 10:34  
6 MS. STEIN: Objection to form. 10:34  
7 THE WITNESS: We received information that 10:34  
8 an associate hashed email address with a Walmart 10:34  
9 customer. 10:34  
10 MS. WEAVER: Okay. Tat's -- I'll just 10:34  
11 move to strike as nonresponsive. We will move on. 10:34  
12 Q. Going back to this category that says 10:34  
13 "Both." Do you see that, near [REDACTED]? 10:34  
14 A. Yes. 10:34  
15 Q. What does "both" mean? 10:34  
16 MS. STEIN: Objection to form. 10:34  
17 [REDACTED] [REDACTED] 10:34  
18 [REDACTED] 10:34  
19 [REDACTED] [REDACTED] 10:34  
20 [REDACTED] [REDACTED] 10:34  
21 [REDACTED] [REDACTED] 10:34  
22 [REDACTED] 10:34  
23 BY MS. WEAVER: 10:34  
24 Q. Okay. And so does this document reflect 10:34  
25 that Facebook receives from [REDACTED] 10:34

1		10:34
2	MS. STEIN: Objection to form. The	10:35
3	document speaks for itself.	10:35
4	MS. WEAVER: I'm here to depose him about	10:35
5	the document, Deb. It was identified ahead of time.	10:35
6	Please answer the question.	10:35
7	MS. STEIN: Yeah, Lesley, this document is	10:35
8	all about targeted advertising, and you've been	10:35
9	going on for about an hour about targeted	10:35
10	advertising which isn't even in this case. It's	10:35
11	outside the scope of this case.	10:35
12	MS. WEAVER: You can instruct him not to	10:35
13	answer if you want, but I'm actually --	10:35
14	MS. STEIN: Lesley, I've let this witness	10:35
15	testify for an hour about targeted advertising. So	10:35
16	if you want to ask him about the scope of this	10:35
17	deposition, you're free to, but suggesting that just	10:35
18	because you sent us a document about targeted	10:35
19	advertising --	10:35
20	MS. WEAVER: Deb, stop lecturing and	10:35
21	wasting my minutes with the witness, please.	10:35
22	MS. STEIN: Lesley, I am stating my	10:35
23	position for the record. This is a 30(b)(6)	10:35
24	deposition on a specific set of topics. You've gone	10:35
25	beyond the scope. I've been very liberal in that.	10:35

1 I will let the witness continue answering 10:35  
2 some more questions, but if it continues focusing on 10:35  
3 targeted advertising, then we're going to have to 10:36  
4 move on. 10:36  
5 BY MS. WEAVER: 10:36  
6 Q. So the question -- I'm sorry, K.P. -- the 10:36  
7 question is this: [REDACTED] 10:36  
8 [REDACTED] 10:36  
9 [REDACTED] 10:36  
10 [REDACTED] 10:36  
11 MS. STEIN: Objection to form. 10:36  
12 THE WITNESS: I don't know the definition 10:36  
13 of an [REDACTED] 10:36  
14 BY MS. WEAVER: 10:36  
15 Q. Okay. 10:36  
16 A. [REDACTED] 10:36  
17 [REDACTED] 10:36  
18 [REDACTED] 10:36  
19 [REDACTED] 10:36  
20 Q. Thank you. 10:36  
21 And does Facebook also receive [REDACTED] 10:36  
22 [REDACTED] 10:36  
23 A. In what context? 10:36  
24 [REDACTED] [REDACTED] [REDACTED] 10:36  
25 [REDACTED] 10:36

1 A. [REDACTED] 10:36

2 Q. [REDACTED] 10:36

3 A. [REDACTED] 10:36

4 [REDACTED] 10:36

5 Q. [REDACTED] [REDACTED] [REDACTED] 10:36

6 [REDACTED] [REDACTED] 10:36

7 [REDACTED] 10:36

8 A. [REDACTED] 10:36

9 Q. Okay. And do you see where it says "Web  
10 pixels" here? 10:36

11 A. Yes. 10:37

12 Q. What does that refer to? 10:37

13 A. It refers to the different implementation 10:37

14 of the Facebook pixel that is used in conjunction -- 10:37

15 in conjunction with ad campaigns most of the time. 10:37

16 Q. Okay. And what is a conversion pixel? 10:37

17 A. It's a pixel that is strategically 10:37

18 placed -- "strategically" meaning it's down to the 10:37

19 advertiser -- on the page, on their website that 10:37

20 tracks the effectiveness of their ad campaign 10:37

21 depending on their -- their objective of the 10:37

22 company. 10:37

23 Q. Okay. And then "Web SDK," do you see 10:37

24 that? 10:37

25 A. Yes. 10:37

1 Q. What does that refer to? 10:37

2 A. So this is the version of the SDK that is 10:37

3 used by websites. 10:37

4 Q. Okay. And did that change over time? 10:37

5 A. Yes, we update the SDKs quite regularly. 10:38

6 Q. Okay. And "Mobile SDK," what is that? 10:38

7 A. This is the SDK that is used by native 10:38

8 apps, meaning iOS and Android. 10:38

9 Q. Okay. I just want to go back to 10:38

10 [REDACTED] 10:38

11 [REDACTED] 10:38

12 A. I think we discussed about that before. 10:38

13 So I'll try to repeat my previous response. 10:38

14 [REDACTED] 10:38

15 [REDACTED] 10:38

16 [REDACTED] 10:38

17 Q. Okay. I see that I guess the videographer 10:38

18 would like to take a quick break. So do you want to 10:38

19 just -- is that comfortable for you, K.P., to take a 10:38

20 break for a little bit here? 10:38

21 A. Yes, I need a coffee. 10:38

22 MS. WEAVER: Okay. So why don't we come 10:38

23 back at, do you want to say, 10:50? 10:38

24 THE WITNESS: 10 minutes from now? 10:38

25 MS. WEAVER: Yeah, does that work? Well, 10:39



1 1 11 minutes? Okay. Great. 10:39  
2 2 THE VIDEOGRAPHER: We are off the record 10:39  
3 10:39 3 at a.m.  
4 10:39  
5 3 4 (Recess.) 10:39  
6 10:39 5 (Off record: a.m.)  
7 10:39  
8 5 6 (On record: 10:53 a.m.) 10:39  
9 6 7 THE VIDEOGRAPHER: We are on the record at 10:53  
10 7 10:53 8 a.m.  
11 10:53  
12 9 9 BY MS. WEAVER: 10:53  
13 10 10 Q. Hello, K.P. You understand you are still 10:53  
14 11 11 under oath, correct? 10:53  
15 12 12 A. Yes, I do. 10:53  
16 13 13 Q. Okay. Returning to where we left off, we 10:53  
17 14 14 were discussing [REDACTED] before the break. 10:53  
18 15 15 Do you recall that? 10:53  
19 16 16 A. Yes, I do. 10:53  
20 17 17 Q. [REDACTED] [REDACTED] 10:53  
21 18 18 [REDACTED] 10:53  
22 19 19 [REDACTED] 10:53  
23 20 20 [REDACTED] 10:53  
24 21 21 A. [REDACTED] 10:53  
25 22 22 MS. STEIN: Object to form. 10:53  
26 23 23 BY MS. WEAVER: 10:53  
27 24 24 Q. And so to the right here do you see it 10:53  
28 25 25 [REDACTED] 10:53

1 [REDACTED] [REDACTED] 10:53  
2 [REDACTED] 10:54  
3 A. Yes, I do. 10:54  
4 Q. Okay. So does this reflect that Facebook 10:54  
5 receives [REDACTED] 10:54  
6 [REDACTED] 10:54  
7 MS. STEIN: Objection to form. 10:54  
8 THE WITNESS: [REDACTED] [REDACTED] 10:54  
9 [REDACTED] 10:54  
10 [REDACTED] 10:54  
11 [REDACTED] 10:54  
12 [REDACTED] 10:54  
13 [REDACTED] 10:54  
14 BY MS. WEAVER: 10:54  
15 Q. Okay. And do you see here where it says 10:54  
16 [REDACTED] 10:54  
17 A. Yes. 10:54  
18 Q. Do you see that? What does that refer to? 10:54  
19 MS. STEIN: Objection. Asked and 10:54  
20 answered. 10:54  
21 You can answer. 10:54  
22 THE WITNESS: This is in relation to the 10:54  
23 web SDK and refers to activities captured in -- this 10:54  
24 is for the purpose of those examples via the 10:55  
25 Facebook log-in button and a like button. 10:55

1 BY MS. WEAVER: 10:55

2 Q. Okay. And do you see at the bottom of the 10:55

3 page here it refers to "Onavo"? 10:55

4 A. Yes. 10:55

5 Q. And what is Onavo? 10:55

6 A. Onavo is a -- an app we acquired some 10:55

7 five, six years ago, if I'm not mistaken, that's 10:55

8 offers the users the ability to compress the data 10:55

9 from all apps that they used on their phones to save 10:55

10 on data charges. 10:55

11 Q. So it was called Onavo Protect; is that 10:55

12 correct? 10:55

13 A. I don't remember the exact name of the 10:55

14 app. 10:55

15 Q. Do you recall that it was a VPN, a virtual 10:55

16 private network? 10:55

17 MS. STEIN: Objection to form. 10:55

18 THE WITNESS: Yes. 10:55

19 BY MS. WEAVER: 10:55

20 Q. [REDACTED] e all of the 10:55

21 [REDACTED] 10:55

22 [REDACTED] [REDACTED] 10:55

23 [REDACTED] [REDACTED] 10:55

24 [REDACTED] 10:55

25 Q. [REDACTED] 10:56

1           A.   [REDACTED]           [REDACTED]           10:56  
2   [REDACTED]           10:56  
3           Q.   [REDACTED]           [REDACTED]           10:56  
4   [REDACTED]           10:56  
5           MS. STEIN:  Objection to form.  Beyond the           10:56  
6   scope.           10:56  
7           MS. WEAVER:  It relates directly to the           10:56  
8   data that Facebook was collecting through Onavo.           10:56  
9           Q.   Isn't it true that Facebook suspended           10:56  
10   Onavo?           10:56  
11           MS. STEIN:  Objection to form.  Beyond the           10:56  
12   scope.  This witness is not testifying about --           10:56  
13           MS. WEAVER:  Are you instructing him not           10:56  
14   to answer my question about Onavo?           10:56  
15           MS. STEIN:  That it's not subject to this           10:56  
16   testimony.  He's not here -- he knows it -- he's not           10:56  
17   designated --           10:56  
18           MS. WEAVER:  State an objection to form or           10:56  
19   instruct him not to answer.  Please don't fill my           10:56  
20   record with your speeches.           10:56  
21           MS. STEIN:  Okay.  It's not a speech.  I'm           10:56  
22   explaining that this witness came prepared to           10:56  
23   testify about certain things.  He's not a company           10:56  
24   witness on suspensions, so he's not answering the           10:56  
25   question.           10:56

1 BY MS. WEAVER: 10:56

2 Q. Do you see to the right of the word 10:56

3 "Onavo" here, K.P., where it [REDACTED] 10:56

4 [REDACTED] Do you see that? 10:57

5 A. Yes, I see that. 10:57

6 Q. What does that refer to? 10:57

7 A. Again, only guess. 10:57

8 Q. What -- what do you believe it means? 10:57

9 MS. STEIN: The witness should not guess. 10:57

10 If he knows, he can answer. If he does not know, he 10:57

11 should not answer. 10:57

12 THE WITNESS: I don't know. 10:57

13 BY MS. WEAVER: 10:57

14 Q. Okay. Does that refer to the fact that 10:57

15 Facebook received [REDACTED] 10:57

16 [REDACTED] 10:57

17 MS. STEIN: Objection. The witness just 10:57

18 said he doesn't know. 10:57

19 BY MS. WEAVER: 10:57

20 Q. You can answer the question. 10:57

21 A. I don't know. 10:57

22 Q. Okay. Did you have any personal 10:57

23 involvement with Onavo? 10:57

24 A. No, I didn't. 10:57

25 Q. Okay. Do you know who did? 10:57

1 A. It's a very broad question. So in what 10:57  
2 capacity? 10:57  
3 Q. Who oversaw the Onavo project from within 10:57  
4 Facebook? It was a partnership, correct? 10:57  
5 A. No, it's not a partnership. It's an 10:57  
6 acquisition. 10:57  
7 Q. Okay. So who oversaw that acquisition? 10:57  
8 A. On the Facebook side or -- 10:57  
9 Q. Yes. 10:58  
10 A. -- after the acquisition? 10:58  
11 Q. On the Facebook side. 10:58  
12 A. I don't know. 10:58  
13 Q. Okay. What about after the acquisition? 10:58  
14 A. The -- I guess the CEO of Onavo. 10:58  
15 Q. Okay. Move on. 10:58  
16 Do you know what an [REDACTED] 10:58  
17 A. I don't know. 10:58  
18 Q. So I'll turn to the next page on this 10:58  
19 document. And that's the one beginning at 425. Do 10:58  
20 you see that? It says "Hard Questions" at the top? 10:58  
21 A. Yes. 10:58  
22 Q. Okay. And then do you see where it says 10:58  
23 [REDACTED] Do 10:58  
24 you see that? 10:58  
25 A. I see that. 10:58

1 Q. And in quotes it says [REDACTED] 10:58

2 [REDACTED] 10:58

3 [REDACTED] Do you see that? 10:58

4 A. I see that. 10:58

5 Q. And do you see that it's in quotations? 10:58

6 A. Yes. 10:59

7 Q. And is that in quotations because that was 10:59

8 Facebook's policy at the time? 10:59

9 MS. STEIN: Objection to form. If the 10:59

10 witness knows what the people who wrote this -- 10:59

11 MS. WEAVER: Please stop coaching him and 10:59

12 telling him to say that he doesn't know. 10:59

13 MS. STEIN: Lesley -- Lesley, do not 10:59

14 accuse me of coaching. You've gotten -- 10:59

15 MS. WEAVER: That's strike one. 10:59

16 Q. Okay. Go ahead, K.P. 10:59

17 MS. STEIN: Excuse me? 10:59

18 BY MS. WEAVER: 10:59

19 Q. I'll ask the question again. Do you know 10:59

20 at this point in time whether Facebook's policy was, 10:59

21 [REDACTED] 10:59

22 [REDACTED] 10:59

23 A. I can only speak at a high level. This 10:59

24 has always been not just the policy but the way we 10:59

25 operated as a business. 10:59

1 Q. Okay. Thank you. 10:59

2 And then do you see it says [REDACTED] 10:59

3 [REDACTED] right below it? 10:59

4 A. Yes, yes. 10:59

5 Q. Okay. And then there's a bullet point 10:59

6 that says [REDACTED] 11:00

7 [REDACTED] 11:00

8 [REDACTED] 11:00

9 [REDACTED] Do you see that? 11:00

10 A. Yes, I do. 11:00

11 Q. Okay. So is it a true statement that at 11:00

12 this time Facebook's policy prohibited sharing of 11:00

13 data with data brokers or similar entities? 11:00

14 A. Yes. 11:00

15 Q. Okay. And do you have an understanding as 11:00

16 to what the [REDACTED] 11:00

17 [REDACTED] what does that mean? 11:00

18 A. It means that Facebook as a business only 11:00

19 makes public commitments about things that are 11:00

20 within our control. 11:00

21 Q. Okay. And so I just want to direct your 11:00

22 attention to the bottom bullet point there in the 11:00

23 second sentence. Do you see where it says [REDACTED] 11:00

24 [REDACTED] 11:01

25 [REDACTED] 11:01



1 [REDACTED] Do you see 11:01  
2 that? 11:01  
3 A. I see that. 11:01  
4 Q. Okay. [REDACTED] 11:01  
5 [REDACTED] 11:01  
6 A. [REDACTED] 11:01  
7 [REDACTED] 11:01  
8 Q. [REDACTED] [REDACTED] 11:01  
9 [REDACTED] 11:01  
10 A. [REDACTED] 11:01  
11 Q. [REDACTED] 11:01  
12 A. [REDACTED] 11:01  
13 Q. Okay. What is -- a little bit lower 11:01  
14 there, do you see [REDACTED] referenced? 11:01  
15 A. Yes. 11:01  
16 Q. What does that refer to? 11:01  
17 A. I don't know. 11:01  
18 Q. Okay. There's a question here [REDACTED] 11:02  
19 [REDACTED] 11:02  
20 [REDACTED] Do you see that? 11:02  
21 A. Yes, I see that. 11:02  
22 Q. And there's something there that says 11:02  
23 [REDACTED] Do you see it? 11:02  
24 A. Yes. 11:02  
25 Q. What is that? 11:02



1 information that Facebook has for you. 11:03

2 Q. Okay. [REDACTED] 11:03

3 [REDACTED] 11:03

4 [REDACTED] [REDACTED] 11:03

5 A. [REDACTED] 11:03

6 Q. [REDACTED] [REDACTED] 11:03

7 [REDACTED] 11:03

8 A. [REDACTED] 11:04

9 Q. Okay. And back to the DYI. You say it's 11:04

10 all the information that Facebook has for you; is 11:04

11 that correct? 11:04

12 A. Yes. 11:04

13 Q. What do you mean by that? 11:04

14 A. It includes from things from like the 11:04

15 information you submitted when you created your 11:04

16 account, to the photos that you may have uploaded, 11:04

17 to the pixels of your friends you may have liked, to 11:04

18 the ads you may have seen, the videos you may have 11:04

19 watched. It's a -- it's a very lengthy, you know, 11:04

20 like document with different things. 11:04

21 Q. [REDACTED] [REDACTED] 11:04

22 [REDACTED] 11:04

23 [REDACTED] 11:04

24 A. [REDACTED] 11:04

25 Q. Okay. Does it include behavioral data? 11:04

1 [REDACTED] [REDACTED] 11:04  
2 [REDACTED] [REDACTED] 11:05  
3 BY MS. WEAVER: 11:05  
4 Q. Okay. So it includes the conversions and 11:05  
5 purchases off Facebook? 11:05  
6 A. I don't know about that, but it includes 11:05  
7 the apps that you have logged in. It includes, I 11:05  
8 think, the websites that you may have liked, and so 11:05  
9 on. 11:05  
10 Q. Okay. Does the Do It Yourself network 11:05  
11 include the [REDACTED] 11:05  
12 [REDACTED] 11:05  
13 MS. STEIN: Objection to form. 11:05  
14 THE WITNESS: I think you're referring to 11:05  
15 the DYI file? 11:05  
16 BY MS. WEAVER: 11:05  
17 Q. Yes. I'll ask the question again. Sorry. 11:05  
18 Does the DIY file include [REDACTED] 11:05  
19 [REDACTED] 11:05  
20 MS. STEIN: Objection to form. 11:05  
21 THE WITNESS: It should include interests, 11:05  
22 which are [REDACTED] so yes. 11:05  
23 BY MS. WEAVER: 11:05  
24 Q. Does it also include [REDACTED] 11:05  
25 MS. STEIN: Objection to form. 11:05

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1 MS. WEAVER: What's the objection? 11:06

2 MS. STEIN: [REDACTED] is a very vague 11:06

3 term, Lesley. 11:06

4 MS. WEAVER: No. It's listed right here 11:06

5 on the document. So I'm going to restate the 11:06

6 question. 11:06

7 Q. Does the DIY tool also include the [REDACTED] 11:06

8 [REDACTED] 11:06

9 [REDACTED] 11:06

10 MS. STEIN: Objection to form. 11:06

11 THE WITNESS: So I will answer with, you 11:06

12 know, like a high-level understanding that the DIY 11:06

13 file includes the pages that you liked. And by 11:06

14 default, that's a behavior. 11:06

15 BY MS. WEAVER: 11:06

16 Q. Does Facebook engage in -- okay. But 11:06

17 just -- sorry. Just go back to that question. 11:06

18 Do you know, as you sit here today, 11:06

19 whether the DIY tool includes [REDACTED] 11:06

20 [REDACTED] 11:06

21 [REDACTED]? 11:06

22 MS. STEIN: Objection to form. 11:06

23 THE WITNESS: DIY file includes activities 11:06

24 such as you liking a page that may suggest an 11:07

25 interest and, by default, explain a behavior or 11:07

1 describe a behavior. 11:07

2 BY MS. WEAVER: 11:07

3 Q. Okay. [REDACTED] 11:07

4 [REDACTED] 11:07

5 [REDACTED] 11:07

6 [REDACTED] 11:07

7 Q. Okay. Going back to the page ending in 11:07

8 425. We were near the bottom of the page there. 11:07

9 A. Yes. 11:07

10 Q. Do you see where it says [REDACTED] 11:07

11 [REDACTED] 11:07

12 A. Yes. 11:07

13 Q. What does that refer to? 11:07

14 A. [REDACTED] 11:07

15 [REDACTED] 11:07

16 [REDACTED] 11:07

17 THE REPORTER: I'm sorry, [REDACTED] 11:08

18 [REDACTED] 11:08

19 THE WITNESS: -- and pixel. 11:08

20 THE REPORTER: I'm sorry, [REDACTED] 11:08

21 [REDACTED] 11:08

22 THE WITNESS: -- captured through the SDKs 11:08

23 and pixel. 11:08

24 THE REPORTER: Thank you. 11:08

25

1 BY MS. WEAVER: 11:08

2 Q. And what is third-party [REDACTED] 11:08

3 again? 11:08

4 A. I think we exhausted that, but I will go 11:08

5 back to the definition as it's being offered in a 11:08

6 previous page: [REDACTED] 11:08

7 [REDACTED] 11:08

8 [REDACTED] 11:08

9 Q. And is that contained in the DYI tool or 11:08

10 the DYI file? 11:08

11 MS. STEIN: Object to form. Objection to 11:08

12 form. 11:08

13 THE WITNESS: I'm sorry, how can a file 11:08

14 include activities as you have already opted out? 11:08

15 BY MS. WEAVER: 11:08

16 Q. Okay. What I'm asking is whether the DIY 11:08

17 tool collects third-party [REDACTED] as it's 11:08

18 referred to there? 11:08

19 A. I'm sorry, I feel like I'm repeating 11:08

20 myself. But the DYI file identified the apps that 11:09

21 you used, the websites that you may have liked and 11:09

22 so on. So it captures [REDACTED] as per -- 11:09

23 Q. Okay. 11:09

24 A. -- the definition of the previous page. 11:09

25 Q. Does it collect all third-party [REDACTED] 11:09

1 [REDACTED] 11:09

2 MS. STEIN: Objection to form. 11:09

3 THE WITNESS: All? I don't know. 11:09

4 BY MS. WEAVER: 11:09

5 Q. Yeah. Okay. 11:09

6 How would you find out? 11:09

7 A. I would have to look at the DYI file. 11:09

8 Q. Okay. And have you looked at any DYI 11:09

9 files to prepare for your deposition today? 11:09

10 A. No, I have not, because that would be a 11:09

11 violation of my commitment to users' privacy. 11:09

12 Q. Did you look at DYI files for any of the 11:09

13 named plaintiffs in this action to prepare for the 11:09

14 deposition? 11:09

15 A. No, because that would be in violation of 11:09

16 my commitment to users' privacy. 11:09

17 Q. To prepare -- 11:10

18 A. I would be fired -- 11:10

19 Q. If your -- 11:10

20 A. -- if I look -- 11:10

21 Q. If your lawyers had you look at the 11:10

22 plaintiffs' DYI files to prepare for deposition in 11:10

23 this action? 11:10

24 A. I would be fired. 11:10

25 Q. Okay. Well, we'll table that. 11:10



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1 Can you look at your -- 11:10

2 A. No one here -- 11:10

3 Q. Can you look at your own -- 11:10

4 A. I can only look at mine. 11:10

5 Q. -- DYI -- oh, okay. So can you look at 11:10

6 your own DYI file to determine whether or not all 11:10

7 third-party [REDACTED] is included in it? 11:10

8 A. I can, but not right now. 11:10

9 Q. Okay. Right. 11:10

10 Okay. Give me a moment here. 11:10

11 Okay. So let's turn for a moment to the 11:11

12 page ending in 3428. It says [REDACTED] at top. 11:11

13 Do you know who Maritza Johnson is? 11:11

14 A. No, I don't. 11:11

15 Q. Okay. And do you see, it says, [REDACTED] 11:11

16 [REDACTED] 11:11

17 [REDACTED] 11:11

18 [REDACTED] Do you see that? 11:11

19 A. Yes, I do see that. 11:11

20 Q. So did Facebook track people's -- users' 11:11

21 location? 11:11

22 A. Facebook will have an understanding of the 11:11

23 user's location based on different signals. 11:11

24 Q. Okay. And you see here it says -- when 11:11

25 you say "different signals," what do you mean? 11:11

1	A. Like if someone is using the app from	11:11
2	their mobile phone and they have allowed us access	11:11
3	to their GPS, we would have a precise, you know,	11:11
4	understanding of that location. If someone is	11:12
5	accessing Facebook through their computer, we will	11:12
6	try to determine their location from an IP address	11:12
7	and so on.	11:12

8 Q. Okay. And do you see where it says, [REDACTED] 11:12

9 [REDACTED] 11:12

10 It's the last bullet point -- 11:12

11	A. Ah.	11:12
----	--------	-------

12	Q. -- on the top.	11:12
----	-------------------	-------

13	A. Yes.	11:12
----	---------	-------

14	Q. Okay. So the question is, what is	11:12
15	[REDACTED]	11:12

16	A. Could I read the whole thing quickly just	11:12
17	to make sure I'm --	11:12

18	Q. Absolutely, of course.	11:12
----	---------------------------	-------

19	(Pause while witness peruses document.)	11:12
----	---	-------

20	A. Okay.	11:12
----	----------	-------

21	Q. What is [REDACTED]	11:12
----	-----------------------	-------

22	MS. STEIN: I will just instruct the	11:13
23	witness to make sure that you only testify about	11:13
24	things that you know, and that if there are things	11:13
25	in this document that you don't know or are not a	11:13

1 company term, to please, you know, tell the 11:13  
2 examiner, because you should not be testifying 11:13  
3 beyond the scope of what your -- what's at issue in 11:13  
4 this deposition and -- 11:13

5 MS. WEAVER: This is completely within the 11:13  
6 scope, Deb, and that's improper coaching. 11:13

7 Q. So, sir, do you know what [REDACTED] 11:13  
8 is? 11:13

9 A. I think there is an example for [REDACTED] 11:13  
10 [REDACTED] there. 11:13

11 Q. I'm sorry? 11:13

12 A. [REDACTED] [REDACTED] 11:13  
13 [REDACTED] 11:13

14 Q. Okay. That's an example of [REDACTED] 11:13  
15 [REDACTED] 11:13

16 A. Yes. 11:13

17 [REDACTED] [REDACTED] [REDACTED] 11:13  
18 [REDACTED] 11:13

19 MS. STEIN: Objection to form. 11:13

20 [REDACTED] [REDACTED] 11:13  
21 [REDACTED] 11:13

22 [REDACTED] 11:14

23 [REDACTED] [REDACTED] 11:14

24 [REDACTED] 11:14

25 [REDACTED] 11:14

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1	[REDACTED]	11:14
2	[REDACTED]	11:14
3	[REDACTED]	11:14
4	[REDACTED]	11:14
5	[REDACTED]	11:14
6	[REDACTED]	11:14
7	BY MS. WEAVER:	11:14
8	Q. [REDACTED]	11:14
9	[REDACTED]	11:14
10	[REDACTED]	11:14
11	[REDACTED] [REDACTED]	11:14
12	A. Those are things that are --	11:14
13	MS. STEIN: Objection to form.	11:14
14	You may answer.	11:14
15	[REDACTED] [REDACTED]	11:14
16	[REDACTED]	11:14
17	BY MS. WEAVER:	11:15
18	Q. Okay. So --	11:15
19	[REDACTED] [REDACTED]	11:15
20	[REDACTED]	11:15
21	[REDACTED]	11:15
22	[REDACTED] [REDACTED] [REDACTED]	11:15
23	[REDACTED]	11:15
24	[REDACTED]	11:15
25	[REDACTED] [REDACTED]	11:15

1 [REDACTED] 11:15

2 [REDACTED] 11:15

3 BY MS. WEAVER: 11:15

4 Q. Okay. And where does that data that -- 11:15

5 the [REDACTED] -- strike that. 11:15

6 Where is the [REDACTED] stored? 11:15

7 [REDACTED] 11:15

8 [REDACTED] [REDACTED] [REDACTED] 11:15

9 [REDACTED] 11:15

10 [REDACTED] 11:15

11 [REDACTED] 11:15

12 [REDACTED] 11:15

13 Q. Okay. And is it contained in the DYI 11:15

14 file? 11:15

15 A. That -- how is that relevant for you? 11:15

16 Q. I get to ask the questions. 11:16

17 [REDACTED] 11:16

18 [REDACTED] 11:16

19 [REDACTED] [REDACTED] 11:16

20 [REDACTED] 11:16

21 [REDACTED] [REDACTED] 11:16

22 [REDACTED] And so it wouldn't show up in a -- in user's 11:16

23 DYI file. 11:16

24 Q. Okay. And when -- 11:16

25 MS. STEIN: I'm just waiting for my feed

1 here.

2 Oh, could you read his answer back,

3 please. 11:16

4 (The record was read by the 11:17

5 court reporter, as requested) 11:17

6 BY MS. WEAVER: 11:17

7 Q. And what do you mean by "associated"? 11:17

8 A. [REDACTED] 11:17

9 [REDACTED] 11:17

10 [REDACTED] 11:17

11 Q. [REDACTED] [REDACTED] 11:17

12 [REDACTED] 11:17

13 A. [REDACTED] 11:17

14 Q. [REDACTED] 11:17

15 A. [REDACTED] 11:17

16 [REDACTED] 11:17

17 [REDACTED] [REDACTED] 11:17

18 [REDACTED] 11:17

19 Q. Right, but it's still one individual. The 11:17

20 source of the -- the -- originally is one user, 11:17

21 right? 11:17

22 MS. STEIN: Objection to form. 11:17

23 BY MS. WEAVER: 11:17

24 Q. Because either I live in San Francisco or 11:17

25 I indicated -- I mean, all of this data comes from 11:17

1 individuals, right? 11:17

2 A. Some of the data -- sorry. Again, if -- 11:17

3 if it's -- according to the previous definition, if 11:17

4 it's native data, that means that you have provided 11:17

5 that information. 11:18

6 Q. Okay. So let's -- okay. Let's talk -- 11:18

7 A. Like you have defined San Francisco -- 11:18

8 Q. Right. 11:18

9 A. -- to be your hometown. 11:18

10 Q. Perfect. 11:18

11 A. Okay. 11:18

12 Q. So it's associated with me initially, 11:18

13 right? 11:18

14 A. You have specifically suggested to your 11:18

15 Facebook friends by basically filling in that 11:18

16 specific field that Facebook asked you to do that 11:18

17 your hometown is San Francisco. You may live in 11:18

18 Denver, but your hometown appears to be 11:18

19 San Francisco. 11:18

20 Q. Okay. [REDACTED] 11:18

21 [REDACTED] 11:18

22 [REDACTED] [REDACTED] 11:18

23 [REDACTED] 11:18

24 [REDACTED] [REDACTED] 11:18

25 [REDACTED] 11:18

1 [REDACTED] 11:18

2 Q. Okay. I'm just -- honestly, K.P., I'm 11:18

3 trying to understand your answer. 11:18

4 You said the data that we are talking 11:18

5 about is not associated with specific users. We 11:18

6 just talked about -- 11:19

7 A. Yes, please. 11:19

8 Q. -- it was associated with an individual 11:19

9 user because they're from San Francisco. 11:19

10 A. Yes. 11:19

11 Q. So when does it become disassociated? 11:19

12 A. But I'm trying to explain to you the 11:19

13 distinction between data that comes from [REDACTED] 11:19

14 [REDACTED] to use your -- 11:19

15 Q. Okay. 11:19

16 A. -- the definition in this document, versus 11:19

17 [REDACTED] 11:19

18 Q. Okay. And -- 11:19

19 A. So -- no, no, no, no. Sorry. I have to 11:19

20 be super precise here. 11:19

21 [REDACTED] [REDACTED] 11:19

22 [REDACTED] 11:19

23 [REDACTED] 11:19

24 Q. Right. 11:19

25 [REDACTED] [REDACTED] 11:19



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1	[REDACTED]	11:19
2	[REDACTED]	11:19
3	[REDACTED]	11:19
4	[REDACTED]	11:19
5	[REDACTED]	11:19
6	[REDACTED]	11:19
7	[REDACTED]	11:19
8	[REDACTED]	11:19
9	[REDACTED]	11:20
10	[REDACTED]	11:20
11	[REDACTED]	11:20
12	[REDACTED]	11:20
13	Q. I understand.	11:20
14	By the way, would you use a different word	11:20
15	than [REDACTED] Is there another way to reference	11:20
16	that?	11:20
17	A. I would probably use [REDACTED]	11:20
18	Q. [REDACTED]	11:20
19	A. [REDACTED]	11:20
20	Q. Okay. Perfect.	11:20
21	[REDACTED]	11:20
22	[REDACTED]	11:20
23	[REDACTED]	11:20
24	[REDACTED]	11:20
25	[REDACTED]	11:20

Page 112

1 [REDACTED] 11:20

2 [REDACTED] 11:20

3 [REDACTED] 11:20

4 Q. Okay. 11:20

5 A. -- like that. 11:20

6 Q. All right. And then what about [REDACTED] 11:20

7 [REDACTED] is there another term of art at Facebook used 11:20

8 to reference that? 11:20

9 A. That's my definition of [REDACTED] 11:20

10 Q. [REDACTED] Okay. 11:20

11 A. Oh, sorry, [REDACTED] 11:20

12 Q. [REDACTED] I see. Okay. 11:20

13 So going back to what we're talking about, 11:21

14 the -- [REDACTED] 11:21

15 [REDACTED] 11:21

16 [REDACTED] 11:21

17 [REDACTED] 11:21

18 Q. Where is that data stored? Where is the 11:21

19 ad cluster data stored? 11:21

20 [REDACTED] [REDACTED] [REDACTED] 11:21

21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] 11:21

22 [REDACTED] 11:21

23 [REDACTED] [REDACTED] 11:21

24 A. Okay. At the very high level, if we are 11:21

25 talking about the specific scenario that a business 11:21

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1 that is operating in San Francisco wants to target 11:21  
2 users in San Francisco, they will run the campaign 11:21  
3 for, let's say, two days; they will target specific 11:21  
4 users that live in that area. They may target only 11:21  
5 females or only men, people of a certain age, people 11:21  
6 of a certain profession, depending on, you know, 11:21  
7 like, what sort of campaign they want to run, right? 11:21  
8 So that will all be effectively identified 11:21  
9 as a potential audience of, let's say for the sake 11:21  
10 of the argument, 20,000 users. They still have no 11:22  
11 access to the information. They only understand 11:22  
12 what is the potential audience their ad campaign can 11:22  
13 reach. 11:22  
14 [REDACTED] 11:22  
15 [REDACTED] 11:22  
16 [REDACTED] [REDACTED] 11:22  
17 [REDACTED] 11:22  
18 [REDACTED] [REDACTED] 11:22  
19 [REDACTED] 11:22  
20 [REDACTED] 11:22  
21 [REDACTED] 11:22  
22 [REDACTED] [REDACTED] 11:22  
23 [REDACTED] 11:22  
24 [REDACTED] 11:22  
25 [REDACTED] 11:22

Page 114

1 [REDACTED] 11:22

2 Q. Okay. So let me ask this: So I'm -- say 11:22

3 I'm being targeted in that ad campaign. Is there a 11:22

4 way for me to find out that I was targeted by those 11:22

5 categories that the advertiser chose? 11:22

6 A. You can see it only if that ad campaign 11:23

7 shows up to you. 11:23

8 Q. Okay. And only in realtime? And there's 11:23

9 no record of it after that? 11:23

10 A. I think you can actually see the -- the 11:23

11 information in realtime. But if you go to the DYI 11:23

12 file, you can see probably ad campaigns that you 11:23

13 have been displayed -- or you have seen yourself, or 11:23

14 you have clicked. 11:23

15 Q. Okay. But if they were -- 11:23

16 A. You know -- 11:23

17 Q. -- targeted to me and I didn't take an 11:23

18 action, it's not in the DYI file; is that right? 11:23

19 A. You -- you will see the ad campaigns that 11:23

20 ended up showing up on your feed, [REDACTED] 11:23

21 [REDACTED] 11:23

22 [REDACTED] 11:23

23 [REDACTED] 11:23

24 Q. Got it. 11:23

25 And so let's talk about the information 11:23

1 that is used to create the [REDACTED] How do you 11:23  
2 determine what information can be used to apply 11:24  
3 those algorithms? 11:24  
4 A. I need to clarify that question. 11:24  
5 Q. Yeah, it's -- [REDACTED] 11:24  
6 [REDACTED] 11:24  
7 MS. STEIN: Objection to form. 11:24  
8 THE WITNESS: Okay. So are you talking 11:24  
9 about [REDACTED] 11:24  
10 [REDACTED] 11:24  
11 BY MS. WEAVER: 11:24  
12 Q. Well, what is [REDACTED] 11:24  
13 A. I mean, I don't know of any use of [REDACTED] 11:24  
14 [REDACTED], but I'm trying to understand exactly 11:24  
15 how you want me to answer the question in a 11:24  
16 thoughtful way. 11:24  
17 Q. Okay. Well, [REDACTED] 11:24  
18 [REDACTED]; is that a 11:24  
19 fair definition? 11:24  
20 A. [REDACTED] 11:24  
21 [REDACTED] 11:24  
22 [REDACTED] 11:25  
23 [REDACTED] 11:25  
24 Q. That was an example, right? 11:25  
25 A. Yes. 11:25

1 Q. But at large, is it fair to say that 11:25  
2 [REDACTED] 11:25  
3 [REDACTED] 11:25  
4 MS. STEIN: Objection to form. 11:25  
5 THE WITNESS: I cannot talk about that. 11:25  
6 [REDACTED] 11:25  
7 [REDACTED] 11:25  
8 [REDACTED] [REDACTED] 11:25  
9 [REDACTED] 11:25  
10 [REDACTED] 11:25  
11 BY MS. WEAVER: 11:25  
12 Q. Okay. So let's -- we can stick with your 11:25  
13 example then if you like for now. 11:25  
14 What if I sent a -- a private -- a message 11:25  
15 in Facebook Messenger to one friend saying "I used 11:25  
16 to live in San Francisco" and I've never posted 11:25  
17 anything publicly about it. Is that information 11:25  
18 used to create the derived [REDACTED] 11:26  
19 A. No. 11:26  
20 Q. Why not? 11:26  
21 A. That's a private conversation between you 11:26  
22 and your friend -- 11:26  
23 Q. Okay. 11:26  
24 A. -- that -- 11:26  
25 Q. So how does the algorithm distinguish -- 11:26

1 let me ask this: When the data is being run on 11:26  
2 algorithms, is it segregated by public or private 11:26  
3 data? 11:26  
4 A. So your definition of public or private is 11:26  
5 what, if I may say? 11:26  
6 Q. If a user designated something private or 11:26  
7 restricted audience. 11:26  
8 A. Okay. Let's take a little bit of a step 11:26  
9 back. Because what we define as public data is 11:26  
10 basically your first name, your last name, your 11:26  
11 profile picture. 11:26  
12 Q. Okay. 11:26  
13 A. Anything else that comes with a -- an 11:26  
14 audience selection doesn't necessarily belong -- 11:26  
15 it's not necessarily by default public. It may have 11:26  
16 a limited audience. It may be just you, if it's 11:26  
17 things like your birthday, or it may be friends -- 11:27  
18 or accessible to your friends. 11:27  
19 What we always, you know, like, like to 11:27  
20 suggest that communications that happen over 11:27  
21 messenger is also by default private, meaning that 11:27  
22 it's -- the content of your exchanges with your 11:27  
23 friends belong to you and your friends. So that 11:27  
24 wouldn't be considered public information. But it 11:27  
25 wouldn't be considered necessarily private 11:27

1 information because it's not accessible by anybody 11:27  
2 in that -- it's a private conversation but it's not 11:27  
3 private data in that sense. 11:27

4 Q. And when Facebook is, let's say -- we can 11:27  
5 just stick with your [REDACTED] example. When it 11:27  
6 is using the algorithm to create [REDACTED], such 11:27  
7 as [REDACTED] is it using that world of 11:27  
8 information that you just described that is not 11:27  
9 public? 11:27

10 [REDACTED] 11:27  
11 [REDACTED] 11:28  
12 [REDACTED] 11:28

13 Q. Okay. But what I'm trying to say is -- 11:28  
14 and I gave you a different example. So if you 11:28  
15 could, just follow my example. Okay. 11:28

16 A. We wouldn't. I think I made -- 11:28

17 Q. Okay. 11:28

18 A. -- that point that -- 11:28

19 Q. When I -- when I look -- 11:28

20 A. -- you telling your friends you live in 11:28  
21 San Francisco is your business and it's not for us 11:28  
22 to use in any kind of ads. 11:28

23 Q. Okay. And that's because reading messages 11:28  
24 and using that content and making it available to 11:28  
25 advertisers would violate Facebook's policies, 11:28



1 right? 11:28

2 A. Reading private communications between you 11:28

3 and your friends would be a violation of our 11:28

4 commitment to your privacy. 11:28

5 Q. Okay. Switching topics just for a second. 11:28

6 You know what capabilities are; is that 11:28

7 right? 11:29

8 A. In what -- 11:29

9 Q. In connection with -- in connection with 11:29

10 APIs? 11:29

11 A. Yes, I do. 11:29

12 Q. Okay. Sorry. 11:29

13 So are you familiar with the read stream 11:29

14 capability? 11:29

15 A. Read stream is an API but there is an 11:29

16 associated capabilities. 11:29

17 Q. Yeah. And what is that? 11:29

18 A. It's an API that allows a third party to 11:29

19 access someone's News Feed. 11:29

20 Q. Okay. And what does "read stream" mean in 11:29

21 particular? 11:29

22 A. It's a very poorly, you know, like, 11:29

23 defined -- 11:29

24 Q. It should probably be for the period 2012 11:29

25 to 2017. 11:29

Page 121

1 API. 11:30

2 MS. WEAVER: I'm sorry, I just need to 11:30

3 look really quickly. 11:31

4 Q. What is the Inbox API? 11:31

5 A. It's an API that allows a third party to 11:31

6 access a user's Messenger conversation. 11:31

7 Q. Okay. And what do those third parties -- 11:31

8 strike that. 11:31

9 What access were they given to -- 11:31

10 A. So the third -- 11:31

11 Q. -- use Messenger conversation? 11:31

12 A. Yeah. The third parties that had access 11:31

13 to the Inbox API were app third parties that 11:31

14 replicated core Facebook functionality, including 11:31

15 messaging. So we call those integrations device 11:31

16 integrations because they were replicating 11:31

17 Facebook -- the Facebook app. 11:31

18 Q. [REDACTED] 11:31

19 [REDACTED] 11:31

20 A. [REDACTED] [REDACTED] 11:31

21 Q. [REDACTED] 11:31

22 [REDACTED] 11:32

23 A. [REDACTED] 11:32

24 [REDACTED] 11:32

25 Q. [REDACTED] 11:32

1 A. [REDACTED] 11:32

2 Q. [REDACTED] [REDACTED] 11:32

3 A. [REDACTED] 11:32

4 Q. [REDACTED] 11:32

5 A. [REDACTED] 11:32

6 [REDACTED] 11:32

7 [REDACTED] 11:32

8 [REDACTED] 11:32

9 Q. So I'm going to turn to the page ending 11:32

10 with 429 now. It's just the next page of the same 11:32

11 document. 11:32

12 Oh, strike it. I will move on. 11:32

13 Going, actually, to the page ending in 11:33

14 430. What is [REDACTED] as used in this 11:33

15 document? 11:33

16 A. Can I take a quick moment to read the 11:33

17 document? 11:33

18 Q. Of course. Sorry. 11:33

19 A. Thank you. 11:33

20 (Pause while witness peruses document.) 11:33

21 A. I'm sorry, there's a little bit of 11:33

22 background noise. I don't know where it's coming. 11:33

23 MS. WEAVER: I think that's Ms. Stein. 11:33

24 But maybe not. 11:33

25 MS. STEIN: Sorry. Sorry. 11:33

Page 123

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1 THE WITNESS: Oh. Okay. 11:33

2 MS. STEIN: I will -- I will mute. The 11:33

3 gardeners are here. Hazards of -- 11:33

4 MS. WEAVER: Yes. 11:33

5 MS. STEIN: -- of COVID. 11:33

6 BY MS. WEAVER: 11:33

7 Q. I'm going to direct your attention just to 11:33

8 a few pages here. 11:33

9 A. Okay. 11:33

10 Q. Great. 11:33

11 [REDACTED] 11:33

12 [REDACTED] 11:34

13 [REDACTED] 11:34

14 A. [REDACTED] 11:34

15 [REDACTED] 11:34

16 Q. [REDACTED] 11:34

17 A. [REDACTED] 11:34

18 Q. [REDACTED] 11:34

19 [REDACTED] 11:34

20 A. [REDACTED] 11:34

21 [REDACTED] 11:34

22 [REDACTED] 11:34

23 Q. [REDACTED] [REDACTED] 11:34

24 A. [REDACTED] 11:34

25 Q. [REDACTED] 11:34

Page 124

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 A. [REDACTED] 11:34

2 [REDACTED] 11:34

3 Q. [REDACTED] [REDACTED] 11:34

4 [REDACTED] [REDACTED] 11:34

5 A. [REDACTED] 11:34

6 Q. [REDACTED] 11:34

7 A. [REDACTED] 11:34

8 Q. [REDACTED] 11:34

9 A. [REDACTED] 11:34

10 Q. [REDACTED] [REDACTED] [REDACTED] 11:34

11 [REDACTED] 11:34

12 A. [REDACTED] [REDACTED] 11:34

13 [REDACTED] 11:34

14 [REDACTED] [REDACTED] 11:35

15 [REDACTED] 11:35

16 [REDACTED] 11:35

17 Q. Okay. And so if you turn to the second 11:35

18 page here ending in 3431, do you see where it says 11:35

19 [REDACTED] It's in bold. 11:35

20 A. Yeah. 11:35

21 Q. Okay. And then it says, [REDACTED] 11:35

22 [REDACTED] 11:35

23 [REDACTED] 11:35

24 Do you see that? 11:35

25 A. Yes. 11:35

Page 125

1 Q. Do you -- what is [REDACTED] 11:35

2 A. [REDACTED] 11:35

3 [REDACTED] 11:35

4 Q. And what do you mean by graph? 11:35

5 A. Everything at Facebook is the graph. Any 11:35

6 entity, any connection that's affecting the part of 11:35

7 the graph. 11:35

8 Q. Okay. Is it a relational database? 11:35

9 A. [REDACTED] [REDACTED] 11:35

10 [REDACTED] [REDACTED] 11:35

11 [REDACTED] 11:36

12 [REDACTED] 11:36

13 Q. [REDACTED] [REDACTED] 11:36

14 [REDACTED] 11:36

15 [REDACTED] 11:36

16 A. [REDACTED] 11:36

17 [REDACTED] [REDACTED] 11:36

18 Q. [REDACTED] 11:36

19 A. [REDACTED] 11:36

20 [REDACTED] 11:36

21 Q. [REDACTED] 11:36

22 [REDACTED] 11:36

23 A. [REDACTED] 11:36

24 [REDACTED] 11:36

25 Q. [REDACTED] 11:36

1 A. [REDACTED] 11:36

2 Q. [REDACTED] 11:36

3 [REDACTED] 11:36

4 A. [REDACTED] 11:36

5 Q. Okay. And if I go to delete my Facebook 11:36

6 account, what is deleted? Is all the data relating 11:36

7 to me deleted? 11:36

8 A. Your interactions with public entities 11:36

9 will not be deleted. 11:36

10 Q. So how do you identify all of the data to 11:37

11 delete? 11:37

12 A. My -- my response would be anything that 11:37

13 lives in the "Download Your Information" file is 11:37

14 going to disappear. 11:37

15 Q. What about all the rest of the data in the 11:37

16 graph? 11:37

17 A. Again, the only exception here would be, 11:37

18 you know, like, your interactions with public 11:37

19 entities. If you end -- ended up commenting on 11:37

20 United's page you didn't like their service, that 11:37

21 is, by default, public and is not personal 11:37

22 information. And, to some extent, it belongs also 11:37

23 to United because you did that on their entity. 11:37

24 Q. So -- 11:37

25 A. But pretty much every -- everything else 11:37



1 that is associated to you will be deleted. 11:37

2 Q. Okay. And when you say "is associated to 11:37

3 me," what do you mean? 11:37

4 A. [REDACTED] 11:37

5 Q. [REDACTED] 11:37

6 A. [REDACTED] 11:38

7 [REDACTED] [REDACTED] 11:38

8 Q. [REDACTED] [REDACTED] [REDACTED] 11:38

9 [REDACTED] 11:38

10 A. [REDACTED] [REDACTED] 11:38

11 Q. [REDACTED] 11:38

12 A. [REDACTED] 11:38

13 [REDACTED] 11:38

14 [REDACTED] 11:38

15 [REDACTED] [REDACTED] 11:38

16 Q. Okay. You -- you referred earlier to data 11:38

17 that is not associated with individuals. Do you 11:38

18 recall that? 11:38

19 A. I need to play back my -- you know, like, 11:38

20 my sentence. Okay. What about it? 11:38

21 Q. You -- okay. So there is data that is not 11:38

22 associated with individual users; is that right? 11:38

23 A. Overall? 11:38

24 Q. Yes. 11:38

25 A. Yes, we -- we do have some information 11:38

1 that is not associated with specific users. 11:38

2 Q. Right. 11:38

3 A. Like United's page on Facebook is not 11:38

4 associated with specific users. 11:38

5 Q. Okay. We'll put a pin in this and we'll 11:38

6 come back to it. Because I think really drilling in 11:39

7 on what Facebook can identify about me specifically 11:39

8 is at the heart of this deposition. 11:39

9 Okay. So going back to [REDACTED] 11:39

10 [REDACTED] Do you see the bullet point below? It 11:39

11 says [REDACTED] Do you see that? 11:39

12 A. Yes. 11:39

13 Q. [REDACTED] 11:39

14 [REDACTED] 11:39

15 [REDACTED] 11:39

16 [REDACTED] 11:39

17 Do you see that? 11:39

18 A. Yes. 11:39

19 Q. What is the Privacy XFN team? 11:39

20 A. It's a team that we have that reviews 11:39

21 every single product that we are launching from a 11:39

22 privacy perspective. 11:39

23 Q. Okay. And what is a [REDACTED]? 11:39

24 A. [REDACTED] 11:39

25 [REDACTED] 11:39

1 Q. Okay. [REDACTED] 11:39

2 [REDACTED] 11:39

3 [REDACTED] 11:40

4 [REDACTED] 11:40

5 Q. Who would know? 11:40

6 A. I don't know. 11:40

7 Q. Who at Facebook was in charge for [REDACTED] 11:40

8 [REDACTED] 11:40

9 A. I don't know. 11:40

10 Q. Who is Emily Sharpe? 11:40

11 A. I -- I don't know. I've heard that name 11:40

12 just recently. 11:40

13 Q. Okay. So I'd like for you to turn to the 11:40

14 next page. It says [REDACTED] 11:40

15 [REDACTED] 11:40

16 [REDACTED] Do you see that? 11:40

17 A. Yes. 11:40

18 Q. And this is page 3433. 11:40

19 Who is Travis Bright? 11:40

20 A. I don't know. 11:40

21 Q. Okay. So I'm going to direct your 11:40

22 attention to the last paragraph there where it says, 11:40

23 it begins, [REDACTED] 11:40

24 [REDACTED] 11:41

25 Do you see that? 11:41

1 A. And you said next page? 11:41

2 Q. I'm on the -- sorry. I'm on the bottom 11:41

3 paragraph on the page ending with 3433. 11:41

4 A. Oh, okay. 11:41

5 Sorry, which sentence? 11:41

6 Q. Well, let's do this. Do you see where it 11:41

7 says [REDACTED] 11:41

8 A. Yes. 11:41

9 Q. Okay. So there it says, [REDACTED] 11:41

10 [REDACTED] 11:41

11 [REDACTED] 11:41

12 [REDACTED] 11:41

13 Do you see that? 11:41

14 A. Yes. 11:41

15 Q. And it says a little bit lower there, 11:41

16 [REDACTED] 11:41

17 [REDACTED] 11:41

18 [REDACTED] 11:41

19 Do you see that? 11:41

20 A. Yes. 11:41

21 [REDACTED] [REDACTED] 11:41

22 [REDACTED] 11:41

23 [REDACTED] 11:41

24 [REDACTED] 11:42

25 [REDACTED] [REDACTED] 11:42

1 Q. What is [REDACTED] 11:42

2 [REDACTED] 11:42

3 [REDACTED] 11:42

4 [REDACTED] 11:42

5 Q. Got it. 11:42

6 And then looking forward, it says, [REDACTED] 11:42

7 [REDACTED] 11:42

8 [REDACTED] 11:42

9 Do you see that? 11:42

10 A. Let me see. Where are you now? 11:42

11 Q. I'm sorry. It's two sentences -- here, 11:42

12 I'll go at the sentence ahead. [REDACTED] 11:42

13 [REDACTED] 11:42

14 [REDACTED] 11:42

15 [REDACTED] 11:42

16 [REDACTED] 11:42

17 Do you see that? 11:42

18 A. Yes. 11:42

19 Q. And then it says, [REDACTED] 11:42

20 [REDACTED] 11:42

21 [REDACTED] 11:42

22 Do you see that? 11:42

23 A. Yes. 11:42

24 Q. Do you have any familiarity with [REDACTED] 11:42

25 [REDACTED] 11:42

1 A. No. 11:42

2 Q. Okay. Now, it -- it's referring to 11:42

3 [REDACTED] 11:43

4 [REDACTED] Do you see that? 11:43

5 A. Yes, I do see that. 11:43

6 Q. Does Facebook do that? 11:43

7 A. [REDACTED] 11:43

8 Q. [REDACTED] 11:43

9 A. [REDACTED] 11:43

10 [REDACTED] 11:43

11 Q. [REDACTED] 11:43

12 A. [REDACTED] 11:43

13 [REDACTED] [REDACTED] [REDACTED] 11:43

14 [REDACTED] 11:43

15 Q. [REDACTED] 11:43

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] 11:43

17 [REDACTED] 11:43

18 [REDACTED] [REDACTED] 11:43

19 [REDACTED] [REDACTED] 11:43

20 [REDACTED] [REDACTED] 11:43

21 [REDACTED] [REDACTED] 11:43

22 [REDACTED] 11:43

23 [REDACTED] 11:43

24 [REDACTED] [REDACTED] 11:43

25 [REDACTED] [REDACTED] 11:43

1 THE REPORTER: Thank you. 11:43

2 BY MS. WEAVER: 11:43

3 Q. [REDACTED] 11:43

4 [REDACTED] 11:43

5 [REDACTED] 11:43

6 A. [REDACTED] 11:43

7 [REDACTED] 11:43

8 Q. [REDACTED] [REDACTED] 11:43

9 [REDACTED] 11:43

10 [REDACTED] 11:44

11 A. [REDACTED] 11:44

12 Q. [REDACTED] 11:44

13 [REDACTED] 11:44

14 A. [REDACTED] 11:44

15 Q. [REDACTED] 11:44

16 A. [REDACTED] 11:44

17 Q. Okay. So here, going back to the 11:44

18 paragraph where we started, it says "The next step 11:44

19 up from this is sharing of anonymized, aggregated, 11:44

20 or hashed data." 11:44

21 Do you see that? 11:44

22 A. Yes. 11:44

23 Q. [REDACTED] 11:44

24 A. [REDACTED] 11:44

25 [REDACTED] 11:44

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.



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